

THE UNITED STATES DISTRICT COURT
FOR THE NORTHERN DISTRICT OF CALIFORNIA

SELOMI M. VILLALTA,

No. C 06-4087 SBA

Plaintiff,

ORDER

v.

EMILIA BARDINE, Director San
Francisco Asylum Office,

Defendant.

On June 30, 2006, plaintiff filed a complaint [Docket No. 1] and a Motion for Leave to Proceed in forma pauperis [Docket No. 3]. On August 9, 2006, this Court denied plaintiff's Motion for Leave to Proceed in forma pauperis and dismissed the complaint for failure to state a claim [Docket No. 4]. On June 29, 2007, plaintiff filed an amended complaint [Docket No. 7]. Because no defendant had been served pursuant to Rule 4 of the Federal Rules of Civil Procedure because a summons had not been issued in this case, *see* Fed. R. Civ. P. 4(c), on June 11, 2008, the Court ordered plaintiff to appear on July 9, 2008 and show cause why the above-captioned case should not be dismissed without prejudice for failure to prosecute [Docket No. 9].

On July 9, 2008, plaintiff's alleged daughter appeared at the hearing pursuant to the order to show cause and advised the Court that the plaintiff had been deported [Docket No. 11]. Accordingly, this action is DISMISSED without prejudice for failure to prosecute. The Clerk of Court is directed to CLOSE the case file and any pending matters related to it. All matters calendared in this matter and all related matters are VACATED

IT IS SO ORDERED.

Dated: 9/2/08


SAUNDRA BROWN ARMSTRONG
United States District Judge

1 UNITED STATES DISTRICT COURT
2 FOR THE
3 NORTHERN DISTRICT OF CALIFORNIA

4 SELOMI M. VILLALTA,

5 Plaintiff,

6 v.

7 EMILIA BARDINI et al,

8 Defendant.
9 _____/

Case Number: CV06-04087 SBA

CERTIFICATE OF SERVICE

10 I, the undersigned, hereby certify that I am an employee in the Office of the Clerk, U.S. District Court,
11 Northern District of California.

12 That on September 3, 2008, I SERVED a true and correct copy(ies) of the attached, by placing said
13 copy(ies) in a postage paid envelope addressed to the person(s) hereinafter listed, by depositing said
14 envelope in the U.S. Mail, or by placing said copy(ies) into an inter-office delivery receptacle located
15 in the Clerk's office.

16 Selomi M. Villalta
17 P.O. Box 11251
18 San Rafael, CA 94912

19 Dated: September 3, 2008

20 Richard W. Wieking, Clerk
21 By: LISA R CLARK, Deputy Clerk
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